Hon. Franklin D. Burgess

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REALNETWORKS, INC., a Washington corporation, Plaintiff, vs. MLB ADVANCED MEDIA, L.P., a Delaware limited partnership Defendant.	No. CV04-0511FDB REPLY TO "COUNTERCLAIMS" STATED IN PLAINTIFF'S ANSWER TO COUNTERCLAIMS

NOW COMES Defendant, MLB Advanced Media, L.P. ("MLBAM"), through its undersigned attorneys and replies to the new allegations and causes of action asserted by Plaintiff, RealNetworks, Inc. ("RealNetworks"), in its Answer to Counterclaims under the heading "Additional Causes of Action," which was filed on April 19, 2004.

ANSWER TO REALNETWORKS' ADDITIONAL CAUSES OF ACTION

1. Defendant denies the allegations of Paragraph 73.
2. Defendant denies the allegations of Paragraph 74.
3. Defendant denies the allegations of Paragraph 75.
4. Defendant denies the allegations of Paragraph 76.

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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

RealNetworks' "Additional Causes of Action" are prohibited under Federal Rule of Civil Procedure 7(a).

SECOND AFFIRMATIVE DEFENSE

The filing of RealNetworks' "Additional Causes of Action" is an attempt to amend its Complaint as of right. Such an amendment is prohibited under Federal Rule of Civil Procedure 15(a), because, at the time of its filing, RealNetworks had already been served with MLBAM's responsive pleading to RealNetworks' Complaint.

THIRD AFFIRMATIVE DEFENSE

RealNetworks' "Additional Causes of Actions" are barred because RealNetworks' failed to comply with the requirements of Federal Rule of Civil Procedure 11.

PRAYER FOR RELIEF

WHEREFORE, MLBAM demands judgment against RealNetworks and in favor of MLBAM as follows:

1. An order dismissing RealNetworks' "Additional Causes of Action" on the merits and with prejudice;

2. An award of reasonable attorneys' fees and costs; and

3. Further equitable relief as the Court deems just.

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DATED this 10th day of May 2004.

GRAHAM & DUNN PC

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ATTORNEYS FOR DEFENDANT
MLB ADVANCED MEDIA, L.P.

CERTIFICATE OF SERVICE

1. I hereby certify that on May 10, 2004, 2004, I electronically filed the REPLY TO "COUNTERCLAIMS" STATED IN PLAINTIFF'S ANSWER TO COUNTERCLAIMS with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following individuals:

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2. I hereby certify that I caused said document to be mailed by United States Postal Service to the following non CM/ECF participants:

Ralph J. Palumbo
Summit Law Firm
315 Fifth Avenue S.
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I declare under penalty of perjury under the laws for the State of Washington and for the United States that the foregoing is true and correct to the best of my knowledge.

s/ Paige N. Kirkhus
Paige N. Kirkhus

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